

Senate Bill 540

By: Senators Staton of the 18th, Rogers of the 21st, Heath of the 31st and Douglas of the 17th

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to advertisement of legal notices, so as to provide that, on and after January 1, 2009, in order to be a legal organ, a newspaper shall agree to participate in and participate in a joint legal organ Internet website that contains all legal notices in a searchable format; to provide for the requirements of such website; to provide for the posting of certain other notices; to provide that notices that are required by law to be published but are not required by law to be published in a legal organ may be published on such website and such publication shall be sufficient under law; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to advertisement of legal notices, is amended by revising subsection (a) of Code Section 9-13-142, relating to requirements for official organ of publication, as follows:

"(a) No journal or newspaper published in this state shall be declared, made, or maintained as the official organ of any county for the publication of sheriff's sales, citations of probate court judges, or any other advertising commonly known in terms of 'official or legal advertising' and required by law to be published in such county official newspaper unless the newspaper shall meet and maintain the following qualifications:

- (1) 'Newspaper' as used in this Code section means a printed product of multiple pages containing not greater than 75 percent advertising content in no more than one-half of its issues during the previous 12 months, excluding separate advertising supplements inserted into but separately identifiable from any regular issue or issues of the newspaper;
- (2) The newspaper shall be published within the county and continuously at least weekly for a period of two years or is the direct successor of such a newspaper. Failure to

publish for not more than two weeks in any calendar year shall not disqualify a newspaper otherwise qualified;

(3) For a period of two years prior to designation and thereafter, the newspaper shall have and maintain at least 75 percent paid circulation as established by an independent audit. Paid circulation shall not include newspapers that are distributed free or in connection with a service or promotion at no additional charge to the ultimate recipient. For circulation to be considered paid, the recipient of the newspaper or such recipient's employer or household must pay reasonable and adequate consideration for the newspaper. No rules of circulation of audit companies, the United States Postal Service, or accounting principles may be considered in determining paid circulation if they are inconsistent with the provisions of this subsection;

(4) Based on the published results of the 1990 United States decennial census or any future such census, the newspaper shall have and maintain at least the following paid circulation within the county for which it is designated as the legal organ newspaper:

(A) Five hundred copies per issue in counties having a population of less than 20,000;

(B) Seven hundred fifty copies per issue in counties having a population of at least 20,000 but less than 100,000; or

(C) One thousand five hundred copies per issue in counties having a population of 100,000 or greater; ~~and~~

(5) For purposes of this Code section, paid circulation shall include home or mail delivery subscription sales, counter, vendor and newsrack sales, and sales to independent newspaper contract carriers for resale. Paid circulation shall not include multiple copies purchased by one entity unless the multiple copies are purchased for and distributed to the purchaser's officers, employees, or agents, or within the purchaser's household; and

(6) On and after January 1, 2009, the newspaper shall agree to participate in and shall participate with all other legal organs in this state in a joint Internet website which shall:

(A) Be approved by the Superior Court Clerks Cooperative Authority;

(B) Contain all legal notices published in the legal organs of this state and be posted at no additional charge and in a manner that such notices may be searched by any person accessing such website by county, subject, name, and such other categories as may be useful in locating information on such website;

(C) Contain all notices posted on the website for a period of at least two years from the date of first posting;

(D) Allow any person to access such website and search such website free of charge; and

(E) Allow the direct posting to the website of public notices that are required by law to be published but are not required by law to be published in a legal organ."

SECTION 2.

Said part is further amended by adding a new subsection to Code Section 9-13-142, relating to requirements for official organ of publication, to read as follows:

"(f) On and after January 1, 2009, when a public notice is required by law to be published, but is not required by law to be published in a legal organ, it shall be sufficient publication for such public notice to be posted on the legal organ website provided in paragraph (6) of subsection (a) of this Code section."

SECTION 3.

This Act shall become effective on January 1, 2009.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.